

SPECIAL CITY COUNCIL MEETING
OCTOBER 20, 1997

PRESENT

Don Dafoe
Gayle Bunker
Dale Roper
Glen Swalberg

Mayor
Council Member
Council Member
Council Member

ABSENT

Robert Dekker

Council Member

ALSO PRESENT

Dorothy Jeffery
Neil Forster
Richard Waddingham
Judy Baker
Deb Greathouse
Greg Schafer
Derin Phelps

City Recorder
Public Works Director
City Attorney
City Treasurer
Librarian
City Employee
Millard County Chronicle/Progress

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Dale Roper offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a regular City Council Meeting held September 22, 1997 were presented for consideration and approval.

City Attorney Richard Waddingham noted a typographical error on the next to last line of Page 2, the word "to" needs to be changed to "the". Council Member Robert Droubay MOVED to approve the minutes of the September 22, 1997 Regular City Council Meeting, as corrected. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Dale Roper MOVED to approve the accounts payable in the amount of \$195,563.21. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESSCITY ATTORNEY RICHARD WADDINGHAM: ORDINANCE RELATING TO LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES.

ORDINANCE NO. 97-184

AN ORDINANCE AMENDING TITLE 9-000, ET SEQ. OF THE REVISED ORDINANCES OF DELTA CITY, UTAH (1981 ED.), AS AMENDED, BY ADOPTING NEW PROVISIONS RELATING TO LICENSING AND REGULATING SEXUALLY ORIENTED BUSINESSES AND AMENDING SECTION 13-1200, ET SEQ. BY ADOPTING NEW PROVISIONS GOVERNING SEXUALLY ORIENTED BUSINESSES.

Mayor Dafoe advised the Council that this ordinance has been considered by the Planning & Zoning Commission, who established a zone for this type of business. These businesses are to be located in the Industrial Development zone, which will require amendment of the Zoning Ordinance to show sexually oriented businesses as a conditional use in the Industrial Development zone. The Planning & Zoning Commission has also recommended that these businesses be restricted from locating within 1,000 feet of any church, school, residence, like business, or business licensed for the sale of alcohol. Council Member Gayle Bunker noted that, at this time, these businesses would be able to locate only along 1000 West, in order to comply with all the restrictions of the ordinance. City Attorney Waddingham noted that, inasmuch as this ordinance is 29 pages long, he would advise publishing a summary of the ordinance, rather than the entire ordinance, in the Chronicle/Progress.

Following discussion, Council Member Robert Droubay MOVED to adopt Ordinance No. 97-184, an ordinance amending Title 9-000, et seq. of the Revised Ordinances of Delta City, Utah (1981 Ed.), as amended, by adopting new provision relating to licensing and regulation of sexually oriented businesses and amending Section 13-1200, et seq. by adopting new provisions governing sexually oriented businesses. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Absent
Robert Droubay	Yes
Dale Roper	Yes

Glen Swalberg

Yes

The motion passed unanimously.

NEW BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: ORDINANCE AMENDING HOURS FOR SALE OF BEER FOR OFF PREMISE CONSUMPTION (CLASS "A" BEER LICENSE)

ORDINANCE NO. 97-185

AN ORDINANCE AMENDING SECTION 9-432 OF THE REVISED ORDINANCES OF DELTA CITY (1981), AS AMENDED, ENTITLED "OPERATIONAL RESTRICTIONS" BY ADOPTING A NEW SECTION 9-432.D, ESTABLISHING THE HOURS FOR WHICH CLASS "A" RETAIL BEER LICENSEES MAY SELL OR OFFER TO SELL BEER FOR OFF PREMISE CONSUMPTION; AMENDING AND REDESIGNATING SECTION 9-432.D AS 9-432.E BY CLASSIFYING THE HOURS FOR WHICH CLASS "B" AND "C" RETAIL BEER LICENSEES MAY SELL BEER FOR ON PREMISE CONSUMPTION AND REDESIGNATING SECTIONS 9-432.E THROUGH 9-432.S AS SECTIONS 9-432.F THROUGH 9-432.T, RESPECTIVELY.

Mayor Dafoe noted that this ordinance will amend Delta City's ordinance to permit beer sale hours to coincide with the Millard County Ordinance regulating beer sale hours and, therefore, allow city businesses to be on "equal footing" with those businesses outside the city limits.

City Attorney Waddingham advised the Council that Section 1 clarifies that the Class "A" beer license holders, which are grocery and convenience stores selling for off premise consumption, can sell beer beginning at 7:00 a.m. Section 2 clarifies that those holding a Class "C" retail beer license, which are restaurants, are allowed to be open to the public for business, but not allowed to sell, offer to sell, or otherwise dispose of beer or other alcoholic beverages, or allow to be drunk or consumed after 1:00 a.m. of any day, nor before 10:00 a.m. of the same day. These hours will apply to Class "B" (tavern) retail beer licenses also.

Council Member Glen Swalberg MOVED to approve Ordinance No. 97-185, an ordinance amending Section 9-432 of the Revised Ordinances of Delta City (1981), changing the hours for which Class "A" retail beer license holders may sell or offer to sell beer for off premise consumption. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Absent
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: ORDINANCE REGULATING PARKING
ON 200 WEST BETWEEN MAIN STREET AND 100 SOUTH AND ON TOPAZ
BOULEVARD BETWEEN 400 EAST AND HIGHWAY 6

ORDINANCE NO. 97-186

AN ORDINANCE REGULATING THE PARKING OF VEHICLES ON 200 WEST BETWEEN MAIN STREET AND 100 SOUTH AND ON TOPAZ BOULEVARD BETWEEN 400 EAST AND HIGHWAY 6, DELTA, UTAH.

City Attorney Waddingham reviewed the provisions of the ordinance with the Council. Council Member Gayle Bunker asked if parking restrictions on 450 North Street could be added to this ordinance. It was determined that there would be "Parallel Parking" signs erected on 450 North at this time and the Council will take further action as necessary.

Following discussion, Council Member Dale Roper MOVED to adopt Ordinance No. 97-186, an ordinance regulating the parking of vehicles on 200 West between Main Street and 100 South and on Topaz Boulevard between 400 East and Highway 6 in Delta, Utah. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Absent
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

The motion passed unanimously.

CITY RECORDER DOROTHY JEFFERY: LOVELL-TURNER ANNEXATION;
ACCEPTANCE OF CERTIFICATION AND REQUEST FOR PUBLICATION OF NOTICE
OF PETITION AND RIGHT TO PROTEST

City Attorney Waddingham advised the Council that they need to make a motion to accept the certification and to publish notice of the certification for three weeks. After the 30 day protest period has expired, if no protest is received, a date for public hearing can be set by the Council.

Council Member Gayle Bunker MOVED to accept the certification of the Petition for Annexation for the Lovell-Turner Annexation and request that Notice of Petition and Right to Protest be published for three weeks in the Millard County Chronicle/Progress. Council Member Dale

Roper SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: FINAL APPROVAL OF PROPOSED LIBRARY EXPANSION AND SET PUBLIC HEARING FOR CIB APPLICATION.

Mayor Dafoe advised the Council that the architect has provided the plans for the proposed library expansion, which reflects the changes previously discussed by the Council. The Council reviewed the plans. Librarian Deb Greathouse indicated that there are additional changes which she would like. Most of the changes were requests for additional electrical outlets. Council Member Gayle Bunker suggested that the requested changes need to be noted on one copy of the plans so they can be shown to the architect and be incorporated into the plans now. There was agreement that the general plan is acceptable.

Mayor Dafoe explained the process for the CIB application to obtain funding for library expansion. Council Member Gayle Bunker asked if the plans need final approval prior to holding a public hearing. It was determined that the public hearing should be held prior to giving Sandstrom Architects the list of changes, in order to receive public input regarding the plans.

Following discussion, Council Member Robert Droubay MOVED to set a public hearing, on November 10, 1997 at 6:00 p.m., for the purpose of receiving public comment regarding the proposed Delta City Library expansion. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: PURCHASE OF SOFTWARE FOR LIBRARY

Mayor Dafoe told the Council that the proposed Athena software is used for checking out books and for inventory control. Librarian Greathouse has obtained a bid for purchase of the software, which is Windows compatible. The software now being used is not Windows compatible. We are currently operating on software provided by the Bookmobile. When we received the \$10,000 technology upgrade grant, the funds were used to purchase new computers, which all use Windows 95 and are set up to be networked. With our current software, we are unable to utilize the new computers. The Utah State Library is funding the software upgrade for the Bookmobile. Mayor Dafoe noted that, if Delta City purchases the Athena software, Utah State Library will not provide support; however, there has not been substantial software support for our existing software. Mayor Dafoe would propose that this software be purchased at this time, along with two scanners, which could be used for inventory. One of the scanners could be reimbursed by the Bookmobile when they receive their funding for a technology upgrade in December.

Mayor Dafoe advised the Council that the price of the software, as shown on the price list provided to each Council Member, is \$3,500, less a \$500 discount, resulting in a cost of \$3,000 for the software. In addition, the price of two scanners would be \$2,598, resulting in a total price of \$5,598. Mayor Dafoe indicated that one drawback is that, if the Library upgrades, then the Bookmobile is isolated from the Library and we are currently using some of their books. The

Bookmobile has agreed to pay for the technical support, in the amount of \$395/year, and we are currently paying \$500/year for technical support on our existing software.

There will be a meeting of the Delta City Library Board and the Millard County Library Board on Wednesday, October 22, 1997. At that time, there will be a discussion regarding whether or not to discontinue use of the software from Utah State Library. All the data now in our files would convert to the new software. Beaver County Library has made the change to the Athena software and the Daggett School District has changed to Athena software; they feel that the Athena software is working very well for them. City Librarian Greathouse reported she had recently determined that between Delta City Library and the Bookmobile, they check out approximately 10,000 books per month - about 6,900 are from the Bookmobile.

Council Member Robert Droubay asked Mayor Dafoe where he planned to obtain funding for purchase of the software. Mayor Dafoe reported that he planned to use Revenue Sharing funds to cover the cost of the software; the funds could be transferred from excess funds in the streets/curb/gutter line item, or could be transferred from the pavillion project which has been budgeted, but will not be constructed this year.

Following discussion, Council Member Glen Swalberg MOVED to authorize Mayor Dafoe to represent the Council in discussion with the Delta City and Millard County Library Boards regarding possible purchase of Athena software for the library and authorize expenditure, if needed, for the purchase of Athena library software. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: DRAFT POLICY FOR DELTA CITY MARQUEE GUIDELINES

Mayor Dafoe noted that he had asked Greg Schafer to put together a draft policy for use of the new Delta City marquee sign. It was the feeling of the Council that the draft policy is adequate for the present time. In the future, there may need to be changes made, but the one presented is general enough, yet restrictive enough to govern use of the sign at present. There was discussion regarding whether or not to take down the fence at the old tennis court on Main Street which has been used for advertising community events. The question was raised whether the fence should be left intact to be used for advertising commercial events.

It was determined by the Council that the draft policy presented could be copied and handed out to those requesting items be advertised on the marquee. The Council also requested that, when the sign is completed, there will be something published in the Chronicle/Progress thanking all of those who have contributed to the sign and outlining guidelines for use of the sign.

OTHER BUSINESS

Council Member Glen Swalberg mentioned that he has received many compliments on the street, gutter and sidewalk projects which have been done. He reported that Jim and Barbara Pierson asked if there were any possibility of getting sidewalk and/or curb and gutter in front of their


home at 64 West 100 South sometime in the not too distant future. Mayor Dafoe advised the Council that it has been our policy to install curb and gutter when it will benefit the entire block rather than one or two residences.

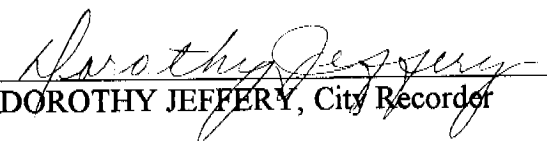
Council Member Glen Swalberg reported that the original Sampson family apparently have a claim on the oldest cabin in Millard County. It is currently located on their old farm, which Garth Lake owns at this time. The Sampson family would like to donate the cabin to the Delta Museum and would like to set it on a tie foundation on the Museum property. They have asked if someone from the City would make a cut in the asphalt at the Museum property wide enough to allow a tie to be set into the asphalt. The cabin would then be set on the ties. The cabin is similar to the cabin located in the Delta City Park. The Sampson family has set up a moving and restoration fund in order to move and restore the cabin, but they have asked that Delta City make the cuts in the asphalt. Public Works Director Neil Forster advised the Council that the cuts could be made as soon as the measurements, etc. are received.

City Recorder Dorothy Jeffery requested that the City Council set a date for the City Christmas Party. The Council requested that the party be scheduled for December 5, 1997. City Recorder Jeffery will check with several places to determine where the party will be held.

Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Dale Roper MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 8:40 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 11-12-97